REMARKS

As an initial matter, Applicants thank Examiner Chen for participating in a telephonic interview with the undersigned today.

Applicants have amended the claims to (i) address the rejection of the claims for lack of enablement; (ii) introduce amendments submitted with the reply filed February 4, 20002 but not entered; (iii) cancel duplicate claims 84, 89, and 96; and (iv) delete, in the dependent claims, reference to the canceled claims. Based on the Examiner's comments in the Advisory Action mailed March 5, 2002, and during the June 4, 2002 interview, it is Applicants understanding that the remaining grounds for rejection (inadequate written description, obviousness) would be overcome by Applicants arguments made in the reply filed February 4, 2002 and the foregoing amendments.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. Enclosed is a petition to extend the period for replying for two months, to and including June 4, 2002. Please apply charges to Deposit Account No. 03-2095.

Respectfully submitted,

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Marked-up version of the claims showing changes made

81. A method of inducing apoptosis of a cell, said method comprising (a) administering to said cell by intratumoral injection [expressing in said cell] a nucleic acid [having 50% or greater nucleotide sequence identity to the nucleotide sequence of SEQ ID NO.: 3 and] encoding a polypeptide comprising the sequence of SEQ ID NO.: 4 and capable of inducing apoptosis, said nucleic acid operably linked to a heterologous regulatory sequence for expression of said polypeptide, and (b) expressing said nucleic acid in said cell, wherein expressing said nucleic acid in said cell induces apoptosis of said cell.

85. The method of claim 81 [or 84], wherein said regulatory sequence is capable of expressing said nucleic acid in a constitutive, inducible, or cell-type specific manner.

86. The method of claim 81 [or 84], wherein said nucleic acid is in an adenoviral vector or a retroviral vector.

87. The method of claim 81 [or 84], wherein said cell is a cancer cell.

88. A pharmaceutical composition comprising (i) an expression vector comprising a [substantially purified] nucleic acid [capable of hybridizing at high stringency to the complement of the nucleic acid of SEQ ID NO.: 3 and] encoding a polypeptide comprising the sequence of SEQ ID NO.: 4 and capable of inducing apoptosis, and (ii) a pharmaceutically acceptable carrier, wherein said nucleic acid is operably linked to a heterologous regulatory sequence for expression of said polypeptide in a mammalian cell.

92. The composition of claim 88 [or 89], wherein said regulatory sequence is capable of expressing said nucleic acid in a constitutive, inducible, or cell-type specific manner.

93. The composition of claim 88 [or 89], wherein said nucleic acid is in an adenoviral vector or a retroviral vector.

95. An expression vector comprising a nucleic acid [capable of hybridizing at high stringency to the complement of the nucleic acid of SEQ ID NO.: 3 and] encoding a polypeptide comprising the sequence of SEQ ID NO.: 4 and capable of inducing apoptosis, wherein said nucleic acid is operably linked to a heterologous regulatory sequence for expression of said polypeptide in a mammalian cell.

99. The expression vector of claim 95 [or 96], wherein said regulatory sequence is capable of expressing said nucleic acid in a constitutive, inducible, or cell-type specific manner.

100. The expression vector of claim 95 [and 96], wherein said expression vector is an adenoviral vector or a retroviral vector.